



# Fact Sheet

Proposed Agreed Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action, and Draft Dangerous Waste Corrective Action Permit for **B. S. B. DIVERSIFIED COMPANY, INC.**

and

Proposed Enforcement Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action for **HEXCEL CORPORATION**

and

Proposed Agreed Order for Downgradient Area Groundwater Investigation for **B. S. B. DIVERSIFIED COMPANY, INC. & HEXCEL CORPORATION**

## SUMMARY

This Fact Sheet covers the following four (4) proposed actions:

1. Draft Agreed Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action for B. S. B. Diversified Company, Inc. (BSB);
2. Contemporaneously with the BSB Agreed Order, a draft Enforcement Order for Focused Remedial Investigation /Feasibility Study, Interim Remedial Action for Hexcel Corporation (Hexcel);
3. Contemporaneously with the above orders, a draft Dangerous Waste Corrective Action Permit for BSB; and
4. Contemporaneously with the above actions, a draft BSB/Hexcel Agreed Order for Downgradient Area Groundwater Investigation.

## Draft BSB Agreed Order & Permit

Ecology is proposing to issue an Agreed Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action, and a Dangerous Waste Corrective Action Permit for BSB, U.S. EPA I.D. # WAD 07655 5182. BSB is located at 8202 South 200<sup>th</sup> Street, Kent, Washington, and is not currently an active facility. The location of BSB is shown in Figure 1.



Figure 1. The B.S.B. Diversified Company, Inc. location.

## Draft Hexcel Enforcement Order

Ecology is proposing to issue to Hexcel an Enforcement Order for Focused Remedial Investigation/ Feasibility Study, Interim Remedial Action. Hexcel is located at 19819 - 84<sup>th</sup> Avenue South, Kent, Washington 98032. The location of Hexcel Corporation is shown in Figure 2.

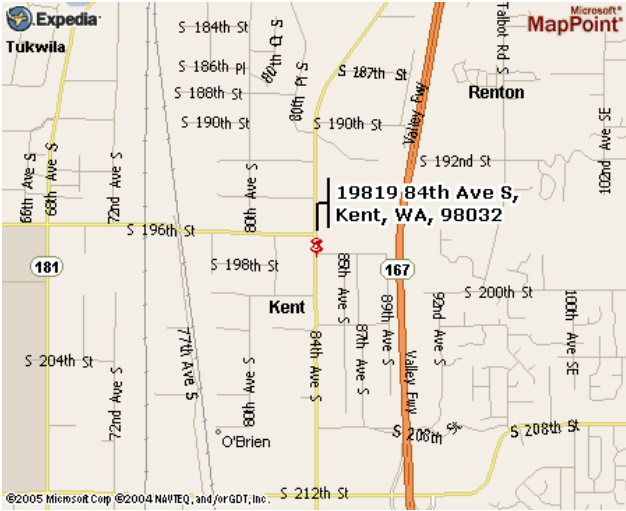


Figure 2 The Hexcel Corporation location.

The draft Agreed and Enforcement Orders include requirements to characterize remaining contamination in the soil and groundwater at the BSB and Hexcel properties. These investigations will lead to evaluation and development of cleanup alternatives to address this contamination. In addition, BSB and Hexcel will maintain a current groundwater extraction hydraulic barrier system as an interim action.

## Draft BSB Dangerous Waste Corrective Action Permit

The Dangerous Waste Corrective Action Permit for BSB is required under the Hazardous Waste Management Act, RCW 70.105 (HWMA) and its regulations. The purpose of the permit is to continue corrective actions at the BSB property through the Model Toxics Control Act (MTCA) process provided for in the BSB Agreed Order.

## Draft BSB/Hexcel Agreed Order

The purpose of the draft BSB/Hexcel Agreed Order is to require BSB and Hexcel to perform an investigation to determine the groundwater quality downgradient of the BSB and Hexcel properties and east of 84th Avenue South.

A final decision on these orders and permit will be made after Ecology receives and evaluates public comments.

This fact sheet:

- ✓ Describes BSB’s & Hexcel’s history;
- ✓ Summarizes requirements in the proposed Orders for Focused Remedial Investigation/ Feasibility Study, Interim Remedial Action;
- ✓ Summarizes requirements for the draft Dangerous Waste Corrective Action Permit for the BSB and,
- ✓ Describes Ecology’s decision-making process to finalize the orders and the permit.

**Public Comment Period**  
**45 Days: June 24, 2005 to August 8, 2005**

The draft Agreed and Enforcement Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action and draft Dangerous Waste Corrective Action Permit are available at:

Kent Regional Library  
212 2nd Avenue N.  
Kent, Washington 98032  
253-859-3330

Kent Regional Library hours are Monday through Thursday, 10am to 9pm; Friday 10am to 6pm; Saturday 10am to 5pm; and, Sunday 1pm to 5pm. Please ask at the information desk.

You may also view the documents at the Department of Ecology. Hours, by appointment, are Monday through Friday 9am to 4:30pm.

Department of Ecology  
Northwest Regional Office  
3190 - 160th AV SE  
Bellevue, WA 98008-5452  
Tel: 425-649-7239 Sally Alexander, or  
425-649-7190 Sally Perkins

*Note: WA Department of Ecology has more detailed documents than Kent Regional Library. Please call to schedule an appointment.*

Comments must be sent to and postmarked or received by close of business **August 8, 2005**.

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To receive a copy of Ecology's BSB and Hexcel draft Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action and the BSB draft Dangerous Waste Corrective Action Permit, contact Hideo Fujita at the above address or Visit Ecology's Public Events Calendar on our web site: [www.ecy.wa.gov](http://www.ecy.wa.gov).

*To receive any documents in alternate format, please contact Hideo Fujita at the address or phone number listed above.*

Ecology will make a final decision on the draft Agreed and Enforcement Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action and the draft Dangerous Waste Corrective Action Permit after completing the evaluation of the public comments.

#### **A. Overview**

*B. S. B. Diversified Company, Inc. (BSB):*

The BSB 4.2-acre property is currently a fenced, vacant lot that slopes gently to the north (see Figure 3. B.S.B. Diversified Company, Inc.). The area surrounding the property is topographically flat and

is zoned "Limited Industrial." The property is bounded on the north by South 200<sup>th</sup> Street and the Hexcel industrial facility. Commercial and industrial park properties are located to the west and south of the property, and the Carr industrial facility is immediately to the east of the property.

A metal finishing and electroplating plant and a composites plant formerly operated on the BSB and neighboring Hexcel properties. During this time, these properties (Parcels A-G) were under common ownership. Parcel G, currently owned by BSB, housed impoundments, lagoons, container storage, and similar units for managing waste, including hazardous waste, through storage and disposal. The wastes contained in some of these units included chlorinated compounds.

#### *Draft BSB Agreed Order:*

Beginning in the early 1980s, waste management activities and associated releases of hazardous substances were investigated and cleanup actions initiated under the Resource Conservation and Recovery Act (RCRA). These initial RCRA cleanup actions addressed the metal-related waste and contamination, as well as the primary volatile organic compound (VOC) source area in unsaturated soil. It also included the excavation and/or stabilization of metal plating sludges and soils associated with the waste management lagoons, as well as excavation of soils in a former drum handling area that were contaminated with VOCs.

By 1988, the storage and disposal units had been closed. Concentrations of chlorinated compounds remain in the subsurface soils and groundwater. Groundwater beneath Parcels A-G is contaminated with chlorinated compounds, including TCE, Vinyl Chloride, and cis-1,2-DCE.

BSB, pursuant to its Post Closure Permit (see below) and a private agreement with Hexcel, installed a groundwater pump-and-treat system designed to 1) capture contaminated groundwater to prevent it from migrating across South 200th Street from Parcel G, 2) capture contaminated groundwater to prevent it from migrating across 84th Avenue from Parcels A-E, now owned by Hexcel, and 3) monitor groundwater conditions at various points. Recovery wells included in this system are located on the BSB and Hexcel properties. On-site treatment under this system terminated in 1995. The system currently pumps groundwater for discharge to and treatment at a King County publicly owned treatment works.

The remaining primary environmental concern at the BSB property is VOCs in groundwater. Therefore, the Remedial Investigation (RI) portion of the draft Agreed Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action for BSB will include detailed descriptions of the previous investigations and historical cleanup actions. The primary focus of the Feasibility Study (FS) will be the development of potential new

cleanup action alternatives for VOCs in groundwater. The RI/FS will be prepared to be consistent with the Model Toxics Control Act (WAC 173-340) and will provide the necessary documentation so that the Washington State Department of Ecology can select the most appropriate cleanup action alternative.

*Draft Dangerous Waste Corrective Action Permit:* Parcels A through G (originally commonly owned) were operated as a dangerous waste management facility on or after November 19, 1980 (the date facilities became subject to permitting requirements under RCRA, including authorized state regulations promulgated in Chapter 173-303 WAC).

Ecology and EPA jointly issued Post Closure Permit WAD 076655182 (Post Closure Permit) to Hytek (later BSB) under authority of the Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and RCRA. The Post Closure Permit identified the permitted facility as Parcels G and E, with recognition that Parcel E was subject to a pending transfer to Heath Tecna (later Hexcel).

The Post Closure Permit was issued for an initial ten-year term commencing December 22, 1988. On March 3, 1999, Ecology and EPA issued a letter, still in effect, in which the agencies stated: “The B.S.B. Diversified Post Closure Permit issued jointly by the Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) shall continue in force beyond the expiration date until which time the Post Closure Permit is re-issued.”

The Post Closure Permit did not name Heath Tecna and did not define the permitted facility to include Parcels A, B, C, D and F based upon the agencies’ acceptance of the private agreement between BSB and Heath Tecna (later Hexcel). A Post Closure Permit assigned groundwater corrective action and monitoring requirements to Parcels A-G, designated a point of compliance at the downgradient property boundary of Parcel G, and required the achievement of concentration limits in groundwater along 84th Avenue South.

State dangerous waste regulations require a facility to have a permit until all activities, including corrective actions and final closure, are completed. The corrective action provisions of the Post Closure Permit remain in effect until replaced by the corrective action provisions of the draft Dangerous Waste Corrective Action Permit.

The purpose of the draft permit is to continue corrective actions at the BSB property. Although there is presently no treatment, storage, or disposal of any dangerous waste at BSB, BSB is conducting corrective actions to correct or clean up past contamination from dangerous wastes. The permit incorporates by reference the draft BSB Agreed Order which provides for corrective actions at the site pursuant to the authority of MTCA, Revised Code of Washington (RCW) 70.105D.050(1).

*Hexcel Corporation (Hexcel):*

The Hexcel property and surrounding areas were farmland prior to approximately 1956, when Heath Manufacturing erected the first building on the site. This building is now a portion of the old Hytek building used for tooling and maintenance. By 1958, a plating shop (also part of the Hytek building) had been constructed. Four additional buildings were constructed during the time period from 1963 to 1969 and used for composites manufacturing (see Figure 4. Hexcel Corporation).

Metal finishing and electroplating were conducted in the Hytek building until about 1987. Aerial photographs show a gas station at the southeast corner of the Hexcel property from at least 1968 through 1985, although the exact period of its operation is uncertain. The Hytek metal finishing facilities are the historical operations identified that would have used significant quantities of chlorinated solvents. There is no information on chemical use or storage at the former gas station.

Investigations determined hydrogeologic conditions in the area and delineated a groundwater plume of cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride (VC) in the shallow (less than 40-70 feet deep) sandy aquifer beneath Hexcel.

*Draft Hexcel Enforcement Order:*

In 1992, a corrective measures system using groundwater pumping at wellfields upgradient and downgradient of Hexcel was implemented by BSB pursuant to its Post Closure Permit and a private agreement with Hexcel. This interim remedial action includes a downgradient containment wellfield which consists of four wells—the CG wells—on the eastern portion of Hexcel's property and an upgradient wellfield which consists of two wells—the HYR wells—on BSB's property south of South 200th Street.

The objective of the RI/FS portion of the draft Hexcel Enforcement Order for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action is to investigate the Hexcel property, provide detailed descriptions of all site investigations and historical cleanup actions on the Hexcel property, and recommend cleanup action alternatives for VOCs in groundwater. The objective of the Interim Remedial Action portion of the Enforcement Order is to maintain hydraulic barriers on the downgradient sides of the BSB and Hexcel properties.

*Draft BSB/Hexcel Agreed Order*

The purpose of the draft BSB/Hexcel Agreed Order is to perform groundwater investigation work to determine the groundwater quality downgradient of the BSB and Hexcel properties and east of 84th Avenue South.

**B. Procedures for Reaching Final Decisions**

The draft Agreed and Enforcement Orders are subject to public review and comment. Ecology will consider all public comments before making the

final decision on these draft Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action. The public review process under MTCA is in Washington Administrative Code (WAC) 173-340-600.

The draft permit is also subject to public review and comment. Ecology will consider all public comments before making the final decision on this draft permit. Regulatory requirements for the public review process are described in Washington Administrative Code (WAC) 173-303-840(3) through (9).

**Comment Period**

The comment period on Ecology’s decision to issue the draft Agreed and Enforcement Orders and Ecology’s tentative decision to issue the draft dangerous waste management facility permit for corrective action is 45-days and will run from **June 24 to August 8, 2005**.

See the second page of this fact sheet for more information on comment period.

**Public Hearing Possible**

If ten (10) or more people request a public hearing, Ecology will conduct a public hearing. *To request a hearing*, or to request special accommodation for the hearing if it is held, contact Hideo Fujita by phone, letter, or email by **July 6, 2005**. If fewer than 10 people request a public hearing, then a hearing will not be held.

To find out if a public hearing will be held and/or its date and location, contact Hideo Fujita after **July 8, 2005**.

**How to Participate**

You may request, and review and comment on the proposed Agreed Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action. The files containing information Ecology used to make the decision are also available for review. See page 1 for locations and hours of availability.

Comments must be received at Ecology by the deadline indicated on page 1 to be considered in further evaluation of the proposal.

The most effective comments are those in which the commenter(s):

- ✓ Provides specific information describing what condition they believe is inappropriate;
- ✓ Provide factual and regulatory support for the comment;
- ✓ Suggest changes to fix the problem;
- ✓ Include supporting material that is not in the Ecology administrative record (e.g. if the comment references a state or federal rule, Ecology already has that information; but, if the comment references a report not in the Ecology’s records for BSB, then this would be appropriate supporting material). Commenters need to provide a copy of the reference.

Furthermore, WAC 173-303-840(6) provides details on the obligation to raise issues and provide information during the public comment period for a permit if a person believes a condition of the draft permit is inappropriate.

**Decision-Making Process**

Responding to comments and testimony

Ecology will consider and respond to written comments submitted by the public and any testimony, if a public hearing is held.

Final Agreed & Enforcement Orders & Determination decision

After considering the comments and possible testimony, Ecology will make a final decision or make a new tentative decision on the draft Agreed and Enforcement Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action.

If public comment(s) result in substantial changes to the draft Agreed and/or Enforcement Orders for Focused Remedial Investigation/Feasibility Study, Interim Remedial Action then an additional public comment period will take place.

If the parties to an agreed order agree to substantially change the order, the changes will be subject to public review and comment. Procedures for changing an agreed order are covered in the MTCA regulations (WAC) 173-340-530. Once Ecology signs a final agreed order, it will give public notice of the final decision.

Final Dangerous Waste Permit & Determination decision

After considering the comments and possible testimony, Ecology will make a final decision or make a new tentative decision on the draft permit.

If public comment(s) result in substantial changes to the draft permit then an additional public comment period will take place.

Any final permit for the BSB property will run for ten years from the effective date. However, the permit can be modified at any time during this period. Permit modifications are subject to public review and comment. Procedures for modifying a permit and the types of permit changes that are subject to public review and comment are discussed in WAC 173-303-830. Ecology will sign the final permit and will give public notice of the final permit decision.

Effective date of decisions

**AGREED & ENFORCEMENT ORDERS**

After considering the public comments received, Ecology will make a final decision on the proposed Agreed and Enforcement Orders. The effective date of Ecology’s decision will be set forth in the Orders.

**DANGEROUS WASTE PERMIT:**  
Normally, a permit is effective 30 days after Ecology gives notice of the final decision to the permittee(s) and all persons who commented. If there are no comments on the draft permit, Ecology may specify an earlier date for the final permit. If Ecology makes a new tentative decision on the permit, there will be a new comment period.

Environmental Review  
The Department of Ecology is the State Environmental Policy Act or SEPA lead agency for corrective action at BSB and Hexcel. Under SEPA, the identification and evaluation of probable environmental impacts is required to develop environmentally sound proposals.

Ecology has determined to defer issuing a SEPA determination until cleanup alternatives for the BSB and Hexcel properties are recommended and issued for public comment.

Appealing the Final Permit Decision

**DANGEROUS WASTE PERMIT:**  
Anyone who comments on a permit, or who participates in a public hearing, if held, may appeal the agency’s final decision within 30 days of the date the decision is issued. Others may appeal changes made between the draft permit and the final permit, even if they did not comment during the comment period. The agency’s final decision on the permit may be appealed to the Pollution Control Hearings Board. However, any amendments to the BSB Agreed Order associated with the final Dangerous Waste Corrective Action Permit for BSB may not be appealed to the Pollution Control Hearings Board.

**C. State and Federal Authorities for Permits and Corrective Action**  
In Washington state, both EPA and Ecology regulate hazardous waste. Washington regulates more wastes than the federal EPA; this universe of Washington regulated wastes is called *dangerous wastes*.

The Washington State Hazardous Waste Management Act, Chapter 70.105 RCW, and the Dangerous Waste Rules, Chapter 173-303 WAC, regulate the management of dangerous waste in Washington. WAC 173-303-800 specifies facilities which must obtain a permit. WAC 173-303-646 specifies that facilities that have had a permit to treat, store, and/or dispose of dangerous waste, must have a permit to conduct corrective action. Also, facilities which no longer treat, store, and/or dispose of dangerous waste but which have had historic releases from solid waste management units must also have a permit to conduct corrective action.

EPA has requirements for facilities that manage hazardous waste or conduct corrective action. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the regulations promulgated

there under in Title 40 of the Code of Federal Regulations (CFR), regulate the management of hazardous waste nationwide.

On January 31, 1986, the State of Washington’s dangerous waste management program received final authorization from EPA for the state’s hazardous waste program. The State’s program has also received approval for subsequent revisions to this federal program. Ecology adopted additional federal requirements that went into effect June 10, 2000.

EPA authorized the state’s corrective action program on November 4, 1994. Under the federally authorized program, a MTCA order or other administrative mechanism incorporating MTCA or state cleanup requirements, is considered to be part of the authorized corrective action program only when the order or other administrative mechanism is incorporated into an existing permit, or when a MTCA order or other administrative mechanism is issued simultaneously with and incorporated by reference into a new permit. For this reason the proposed BSB Agreed Order has been incorporated by reference into the draft Dangerous Waste Corrective Action Permit and the BSB Agreed Order and its attached exhibits are enforceable conditions under the permit.

Terms of agreed orders or administrative mechanisms which go beyond the scope of the authorized program are considered broader in scope and thus not enforceable by EPA. However, the state can impose requirements pursuant to state laws or enforce those requirements in lawfully issued orders and other administrative mechanisms or permits. Permits issued under the authorized program will be enforceable by both Ecology and EPA.

Substantial changes to the draft BSB Agreed Order will require a public comment period under MTCA and a modification to the permit.

MTCA Orders or other administrative mechanism incorporating MTCA requirements (the state cleanup authority or Model Toxics Control Act) are being used to satisfy corrective action requirements. The draft Dangerous Waste Corrective Action Permit, a permit shell, is being issued to incorporate by reference the draft BSB Agreed Order. This process has been used to save time and resources, eliminate duplication, reduce the volume of documents, and simplify the decision process.

**D. BSB Permit and Permit Conditions**

The draft Dangerous Waste Corrective Action Permit, including the draft BSB Agreed Order it incorporates, meets the state requirements for corrective action at BSB. Although BSB does not currently manage dangerous waste, BSB's property must have a permit for corrective actions due to historic releases from past management of dangerous waste.



This corrective action-only permit differs from dangerous waste management permits for fully functioning facilities. Ecology has been working with EPA to develop this type of permit. While a permit is required, EPA and Ecology recognize that not all usual permit requirements are necessary in a permit for conducting corrective actions only. For example, training and inspection requirements for management of dangerous wastes are irrelevant when the facility has closed and no dangerous wastes are present on site.

A permit is necessary to maintain authority over corrective action, but the substantive requirements for actually conducting the corrective action are in the draft BSB Agreed Order. The draft permit is structured to allow flexibility needed to efficiently administer corrective action at the site. Permit conditions for this draft permit are abbreviated; the purpose of this permit is to provide a framework for incorporating the BSB Agreed Order into a dangerous waste management facility permit.

**E. Changes to RCRA/RCRA Rules Under Hazardous and Solid Waste Amendments**  
In general, new or amended requirements in the Hazardous and Solid Waste Amendments of 1984 and related regulations will automatically apply to BSB’s corrective action activities as applicable. The exception is for new requirements that are less stringent than those in effect when the agency issues the permit.

**F. BSB PERMIT - CONCLUSION**  
Ecology has determined that there is adequate information to issue the Dangerous Waste Corrective Action Permit to continue corrective action. Therefore, Ecology has made a tentative decision to issue the permit

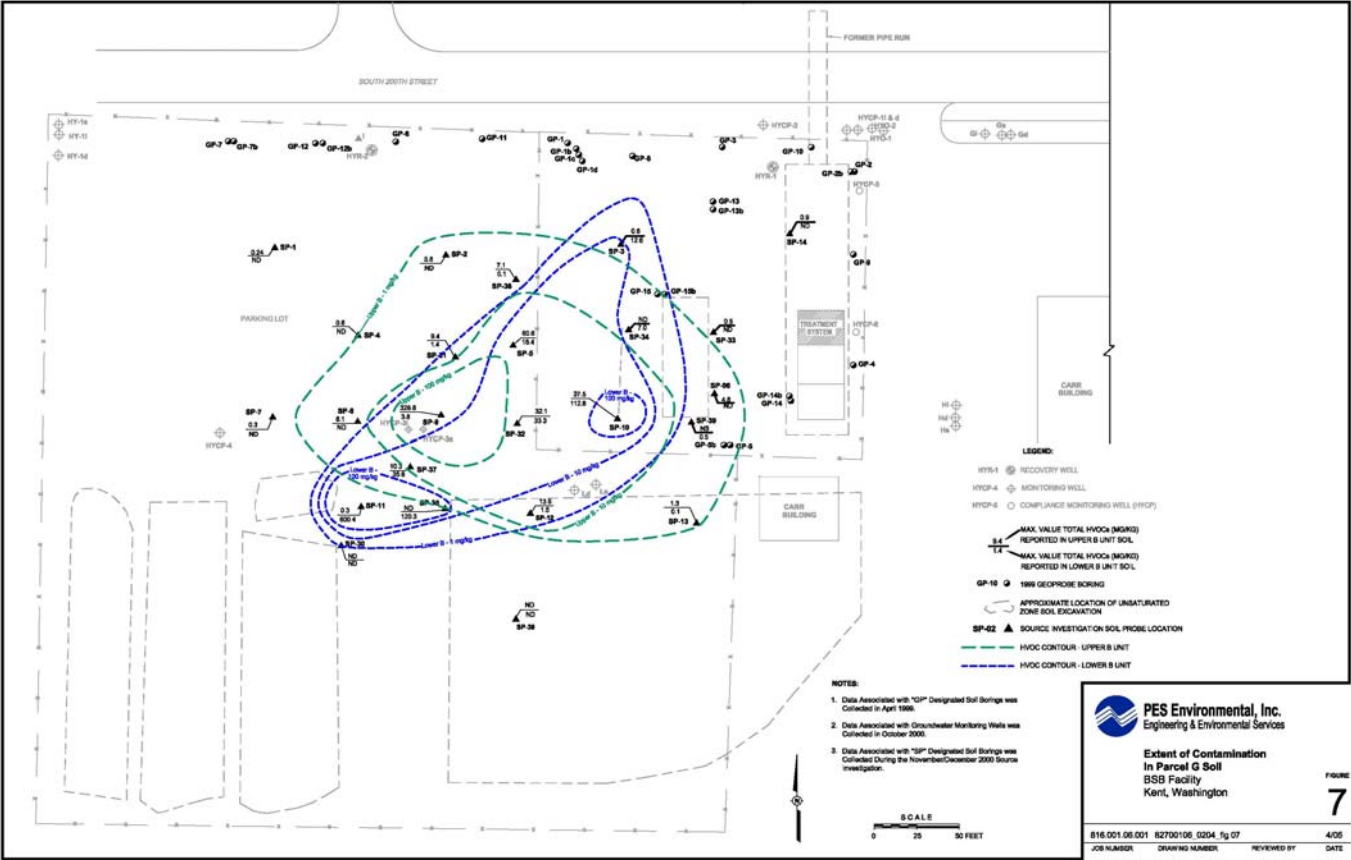


Figure 3 B.S.B. Diversified Company, Inc.

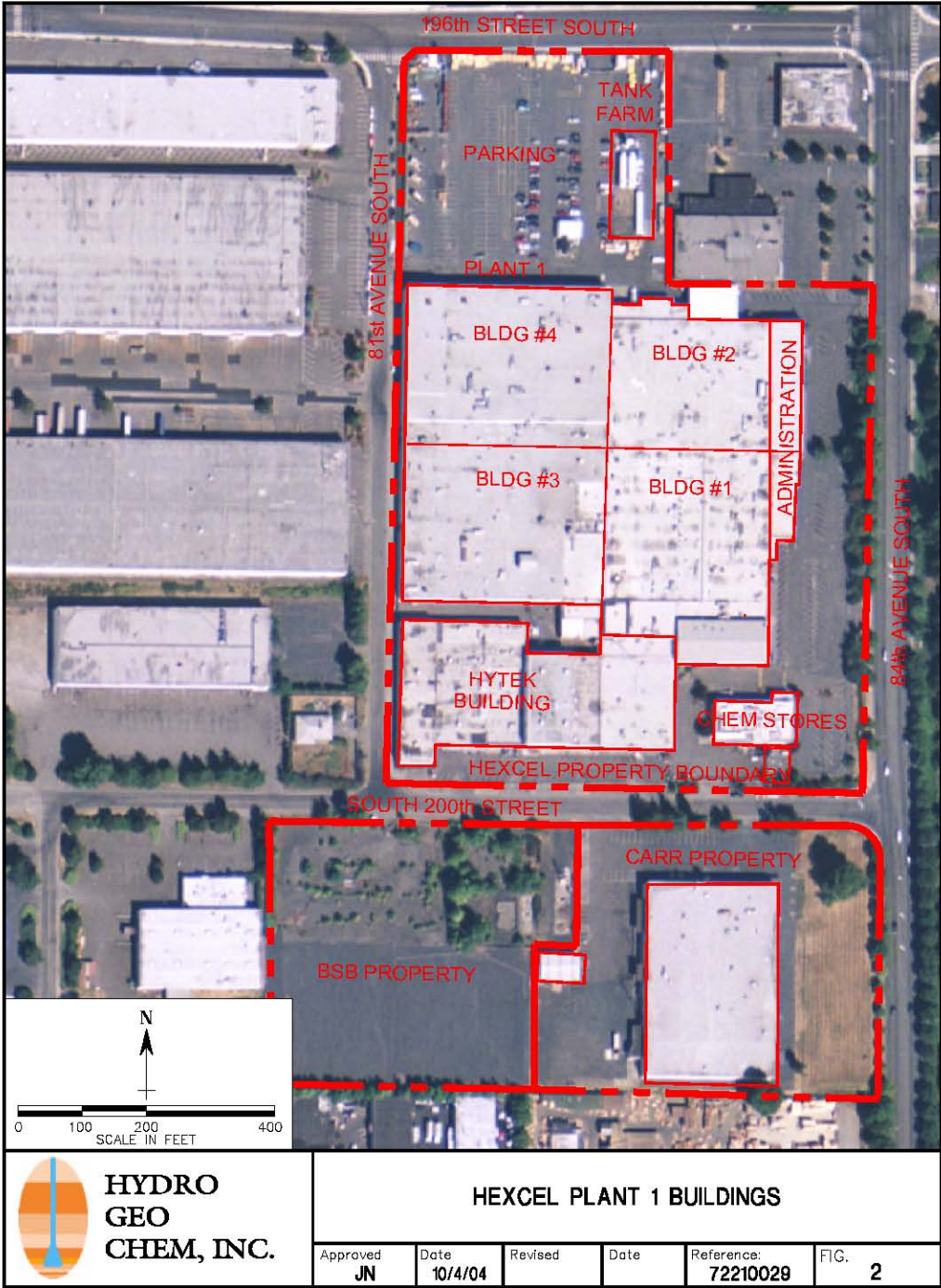


Figure 4. The Hexcel Corporation property.